

## Board Administration and Regulatory Coordination Unit

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### Division 3. Air Resources Board

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### Chapter 5. Standards for Motor Vehicle Fuels

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### Subchapter 8. Clean Fuels Program

#### § 2315. Determination of Violations

##### *(a) Violations of section 2302.*

At any time that an owner/lessor fails to have equipped the number of retail gasoline outlets required by section 2302 to be equipped to be a retail clean fuel outlet for a designated clean fuel, the owner/lessor shall be deemed to have sold or supplied gasoline to motor vehicles in violation of these regulations. For each day that the owner/lessor violates section 2302, the first ten motor vehicles fueled at one of the owner/lessor's retail gasoline outlets shall be deemed to have been unlawfully fueled for each retail gasoline outlet not equipped as required. If an owner/lessor claims to comply with the requirements of section 2302 on the basis of retail clean fuel outlets constructively allocated pursuant to section 2308, such facilities shall not satisfy the owner/lessor's obligations if the requirements in section 2308 for constructive allocation are not met.

##### *(b) Violations of section 2309(b).*

Whenever the owner/lessor of a selected retail clean fuel outlet violates section 2309(b) with respect to the outlet, the gasoline sold or supplied by the owner/lessor in violation of these regulations. For each day that the owner/lessor violates section 2309(b) with respect to a selected retail clean fuel outlet, the first five motor vehicles fueled that day at the outlet with gasoline shall be deemed to have been unlawfully fueled by the owner/lessor.

##### *(c) Violations of section 2310.*

Whenever the operator of a selected retail clean fuel outlet violates section 2310 with respect to the outlet, the gasoline sold or supplied at the outlet shall be deemed to have been sold or supplied by the operator violates section 2310, the first five motor vehicles fueled that day with gasoline at the outlet shall be deemed to have been unlawfully fueled by the operator.

NOTE: Authority cited: Sections 39600, 39601, 39667, 43013, 43018 and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 39667, 43000, 43013, 43016, 43018 and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

#### REFERENCE